

Call to Order/Pledge of Allegiance/Attendance

The November 9, 2021 meeting of the Newtown Village Council was called to order at 6:30 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

Council Members: Don Carroll (Vice Mayor)
Daryl Zornes
Chuck Short (excused)
Curt Tiettmeyer
Terry Fairley
Sarah Williams

Solicitor Emily Supinger
Fiscal Officer Keri Everett
Assistant to Mayor Becky Fairley
Police Chief Tom Synan

APPROVAL OF COUNCIL MINUTES

Mr. Fairley made a motion to approve the 10.12.2021 Council Minutes, motion was seconded by Mr. Zornes. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Update – Bruce Brandstetter

November 5, 2021

1. **Church Street North Paving (20045)**
 - Construction complete. Final Pay Request expected by December meeting.
2. **Moundview Park (20078)**
 - Soil absorption test was completed on 6/30/21. Upper grass area did not test well. BCI and Village are coordinating to excavate test holes.
 - Lower turf area north of the ball field is a possible option.
3. **Short Park Improvements, Phase I – Trail Improvements (21041)**
 - Motz Turf Farm was approved to berm the trail at 9/23/21 Council meeting. Village is coordinating.
4. **Short Park Parking Lot (21064)**
 - Complete design to bid the project in 1st quarter of 2022. Consider bundling it with Lake Barber Trail Connector and Municipal Parking Lot.
5. **Short Park New Soccer Field (21065)**
 - Soccer Field grading/sod is complete.
6. **Mccullough's Run (20119)**
 - Scheduling a meeting for 11/11/21 to review with the HOA President.
7. **Lake Barber Trail Connector (21090)**
 - Draft plans reviewed on 8/16/21.
 - Plans have been forwarded to Duke for their approval of alignment with a follow up email on 10/8/21.
 - May want to bid with the Short Park Parking Lot and the Municipal Parking Lot.
8. **Little Dry Run Road Speed Study and Traffic Calming (21007)**
 - BCI has scheduled draft report for December.
9. **Municipal Building Parking Lot (21007)**
 - BCI to assist in obtaining quotes as requested.
10. **Ivy Hills Blvd**
 - Surface pavement is raveling at several locations on Ivy Hills Blvd. Please see attached photo. BCI will work with the Village to obtain quotes to repair this year if possible.
11. **MRF/OPWC Applications (21007)**
 - MRF Applications submitted 9/17/21.
 - OPWC Applications submitted on 10/29.
 - Church Street South, \$126,500 (local share).
 - Little Dry Run, \$125,000 (local share).

12. Turpin Lane Drainage

- Ultimate solution to involve Hamilton County, USACOE, Anderson Township and possibly ODOT to clean the ditch line.
- A flap valve being reinstalled in a catch basin in the drainage swale on the east side of Turpin Lane is an alternative solution.

PUBLIC COMMENTS: None

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

1. **Passing of Lynn Burger** Mr. Lynn Burger passed away 11.03.2021 due covid-related complications. Mr. Burger was very involved in the Newtown community and a huge booster of the Village of Newtown. Lynn and his family have run a very successful business, Burger Farm for many years. Lynn was involved in the Newtown Civic League and Veterans Association and the organizer of the creation of the Veterans' Memorial located at Moundview Park, as well as the organizer of many Memorial Day Parades. Mr. Lynn Burger was a true patriot – Solicitor Supinger will prepare a proclamation in honor of Lynn Burger.
2. **Short Park Soccer Field:** Mayor Kobasuk thanked Motz Turf Farm for being so competitive and providing such a great service for the Village. The soccer field has been installed at Short Park. The total cost for the field is less than half the cost of the next lowest bid which was 115% above what the Village paid to Motz Turf Farm for the installation of the soccer field at Short Park.
3. **Income Tax Revenue:** The Income Tax Revenue is running about 3.5% above last year for the first nine months. Other improvements are expected with the expansion of Meridian Bioscience and The Motz Group.

Council Members Reports

2022 Employee Benefits - Medical Plan Renewal

Mr. Fairley reported that all employees have completed and submitted their FormFire surveys. RFP's have been sent out to Medical Mutual and United Healthcare. Anthem is the current provider and has submitted a 5% increase from last year. Mr. Fairley reminded Council that the rates were 17% higher in 2020 than 2021. Mr. Conroy will present all data collected from the RFP's to Council as soon as possible.

Police Department, Training

Mr. Zornes made a motion to approve \$3,000 to Just Guns & Ammo, formerly Ready Line for the purchase of ammunition for training. Ms. Williams seconded the motion. All Aye. Motion Carried.

Maintenance Department, Hiring Maintenance Technician

Mr. Fairley reported that five candidates interviewed for this position with Maintenance Supervisor Chuck Morgan and Councilman Chuck Short. The following was chosen for the open position vacated by Kevin Schmid. A background check and drug screen for Mr. Ralston has been successfully passed and submitted.

Mr. Fairley made a motion to approve hiring of Kristopher Ralston as a Maintenance Technician. This position fills the vacancy created by the resignation of Kevin Schmid. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Village Solicitor's Report (Solicitor Supinger)

Village Property: The Motz Group purchased property from the Village of Newtown, located behind the Fire Station located at 7036 Main Street. This real estate transaction was very complicated but the closing was successful and has been completed. The Village was reimbursed \$10,000 for attorney fees associated with this transaction. Mayor Kobasuk commended Solicitor Supinger for the thorough job she did on this real estate transaction for the Village.

Soccer Appeal Argument

The First District Court of Appeals heard the oral argument of the Kinney Soccer Club issue today. Solicitor Supinger thought the panel was very attentive and that the argument went well. A decision is expected in three to four months. Mayor Kobasuk thanked Solicitor Supinger for the nice job she did on this issue.

LMFR Bonding Refunding

Solicitor Supinger explained that Little Miami Fire District is looking at refunding and reissuing its bonds, in which the Village participates. Ms. Supinger spoke with Brenda Wehmer, Bond Counsel, Dinsmore – the bonds that are issued are taxable bonds with a 6% interest rate with a federal subsidy of 2% making the net interest rate 4%. Unless LMFR can refund and reissue the bonds at an interest rate of 4% and under, it would cover the administrative cost of doing so and result in a net savings to the property owners paying on the bonds. The Village does hold the bonds and our withdrawal agreement from the Fire District (LMFR) allows this to occur – the Village wouldn't have any role to play, except Ms. Wehmer recommended an addendum to the language in our agreement to clarify any issues. Ohio law allows it whether the agreement is there or not but best to have it set forth more clearly in an addendum. There would be no downside to the Village should LMFR decide to follow through with this – Council would need to approve it from the Village's standpoint. The amount of the loan would still be 100% covered by the levy dollars it would just be a lower amount of money that is due.

LEGISLATION

Resolution, Change Order w/Motz Turf Farm

The Village of Newtown entered into a contract with Motz Turf Farm for the Short Park Multi-Purpose Field Project in the amount of \$49,340.00 and the Village has been requested to approve a change order to the contract in the amount of \$7,700.00 for additional dirt needed to complete the project.

Mayor Kobasuk did not bring this up at the last Council Meeting since he was not certain of the total quantity of top soil that would be needed – it came out to 11 truckloads totaling \$7,700.00.

Ms. Williams said in the past, Council has had resolutions that read authorize an amount “not to exceed” a certain expenditure. Ms. Williams asked why the resolution presented did not read “not to exceed?” Mayor Kobasuk said the invoice was received today (11.09.2021) by Mr. Grinstead.

Mayor Kobasuk's spending amount without Council's approval is currently set at \$5,000 and only approved the \$7,000 after consulting with Vice Mayor Don Carroll who was supportive of moving forward. Mayor Kobasuk said at the last Council Meeting, Mr. Carroll told him (Mayor Kobasuk) that Mr. Tiettmeyer was also supportive of the additional dirt. Mayor Kobasuk said he was unaware 11 truckloads would be needed until Daryl Grinstead, owner of Motz Turf Farm sent the invoice in and told him one additional load was necessary to complete the job.

Mayor Kobasuk said even with the expense of the additional dirt, the total cost of the soccer field is less than half the cost of the next lowest bid submitted by Evans Landscaping, which was \$122,686.00. Mayor Kobasuk said Mr. Grinstead was at Short Park working on the field and the extra dirt was required to complete the project. Timing was in-between Council Meetings, not allowing time for a special meeting, which would have held up the completion of the project. Mr. Grinstead had previously informed the Village that more dirt may be required by the October 15 deadline. Mr. Carroll said he did discuss the need of the extra dirt with Mayor Kobasuk and supposed Council could have come up with some discussion for parameters for the need of the extra dirt. Mr. Carroll said the total amount is still well below the second lowest bid even with the extra dirt. Motz Turf Farm did come forward quickly saying there would be a need for additional topsoil, stated Mr. Carroll.

Solicitor Supinger said that because this project was done with CDBG money, the Village needed to be precise with the dollar amount and said that she really did not know that a “not to exceed” would have met the grant requirement. She said the Village was in a narrow place with the grant requirement with the bid amount so the precision was really somewhat necessary.

Mr. Tiettmeyer said Mayor Kobasuk approved a \$7,700 expenditure before Council knew about the cost for the extra dirt. While agreeing the extra dirt was needed, Mr. Tiettmeyer said it was not a vote to approve an addendum to the contract. Mr. Tiettmeyer said Council can just say “NO” to approving the \$7,700 since they were not aware of the amount needed for the extra dirt approved by Mayor Kobasuk and asked him what he would do about it if they did. He said it's about communication to the process to Council that Mayor Kobasuk approved the amount/extra dirt. Mayor Kobasuk said everyone was aware additional money would be involved. Mayor Kobasuk told Mr. Tiettmeyer the Village received a great deal, saving the Village money and he was just wanting to attack him over this issue. Mr. Tiettmeyer said he was not attacking the mayor, just stating that he exceeded his spending authority of \$5,000, approving the \$7,700 without seeking Council's prior approval. While time did not allow a special meeting to be called, Mayor Kobasuk contacted Vice Mayor Carroll, who had spoken to Mr. Tiettmeyer about this issue and at that time, no one had an issue approving the additional money for the extra dirt.

Mayor Kobasuk said Council can table the issue. Mayor Kobasuk said so we are all clear, Council knew going in with the soccer project, additional dirt may be required. As stated, several times, Motz Turf Farm's amount of \$49,340.00, including the \$7,700 for the additional dirt, a total amount (\$57,040) for the soccer field is less than half of the second lowest bid of \$122,686.00. Motz Turf Farm was in the field working on the project and calls Mayor Kobasuk who called Emily and Vice Mayor Don Carroll – Mayor Kobasuk didn't have time to call a special meeting for a minor issue when everyone was aware of the need for additional dirt. Mayor Kobasuk was originally told by Mr. Grinstead ten truckloads for \$7,000 then when he received the invoice was told the project would require one additional truckload totaling \$7,700.00. Bruce Brandstetter, BCI is the project manager of the Revitalization at Short Park – Mr. Grinstead just called Mayor Kobasuk and he approved the amount verbally with Mr. Grinstead – the man was in the middle of spreading dirt trying to get the project finished by the October 15th deadline, according to the grant requirement. This issue wasn't brought up at the last meeting as a total since a full quantity was not known. Mayor Kobasuk asked Mr. Tiettmeyer why he was making such a big deal over the issue that the Village was fortunate Motz Turf Farm did the project for such a great deal on the soccer field. Mr. Tiettmeyer said he is talking about the process. Mayor Kobasuk said the issue can be tabled; Mr. Carroll suggested voting on the issue.

Mr. Carroll made a motion to suspend the rules, seconded by Mr. Fairley. All Aye. Motion Carried.

Mr. Carroll made a motion to adopt A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH MOTZ TURF FARM FOR THE SHORT PARK – MULTI-PURPOSE FIELD PROJECT (\$7,700) Mr. Fairley seconded the motion. Roll Call: Mr. Carroll-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-No, Mr. Zornes-No, Ms. Williams-No. Motion Failed.

Solicitor Supinger said the issue can be brought up again in the future since the motion failed.

Resolution, Contract w/A.L. Miller Plumbing

This expenditure is for the replacement of the sewer line that runs from the sidewalk to the building at the Newtown Police Department, 3536 Church Street. Sewage is backing up into the PD locker room floor drains.

Ms. Williams made a motion to suspend the rules, seconded by Mr. Carroll. All Aye. Motion Carried.

Mr. Williams made a motion to adopt RESOLUTION NO. 31-2021 A RESOLUTION APPROVING A CONTRACT WITH A.L. MILLER PLUMBING FOR PLUMBING SERVICES, AMOUNT NOT TO EXCEED \$17,000.00. Mr. Carroll seconded the motion. Roll Call: Ms. Williams-Yes, Mr. Carroll-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes Motion Carried.

New Business

Council Checklist

Mr. Tiettmeyer made a motion to approve Council Checklist dated 11/09/2021 for \$333,669.15. (original Checklist Total was \$341,369.15 - \$7,700.00 (Motz Turf Farms Ltd. that failed) Ms. Williams seconded the motion. All Aye. Motion Carried.

Mr. Carroll made a motion to adjourn at 7:02 pm, Ms. Williams seconded the motion. All Aye. Motion Carried.

Transcribed by Becky Fairley